

**OPINION  
61-260**

April 5, 1961        (OPINION)

**TOWNSHIPS**

**RE: Township Roads - Expenditure of Township Funds**

On April fourth, 1961, Mr. A. C. Bakken, Griggs County State's Attorney, requested an opinion in your behalf concerning the application of section 24-08-02.1 of the North Dakota Century Code.

Within limitations section 24-06-19 of the North Dakota Century Code authorizes the Board of Township Supervisors or the township electors to expend road taxes in the improvement of highways, including county and state highways, under such regulations as it may deem most expedient for the public interest.

Apparently the written agreement entered into by and between the Board of Township Supervisors of Greenfield Township and the Board of County Commissioners of Griggs County whereby Greenfield Township agreed to pay one-fourth of the total cost of a certain federal-aid project reflected a conclusion on the part of the township supervisors that such was most expedient for the public interest.

It would therefore appear that there is legal authority for entering into such an agreement and, if the particular road involved is considered as being a township road, that the provisions of section 24-08-02.1 were given due consideration and the conclusion reached that the township would pay for one-fourth of the "total costs" rather than "costs other than culverts."

It is the opinion of this office that there is legal authority for the township to commit itself to pay one-quarter of the total costs of any highway project in the township as was done in this case.

LESLIE R. BURGUM

Attorney General